



Eric Gonzalez
District Attorney

**DISTRICT ATTORNEY
KINGS COUNTY**

350 JAY STREET
BROOKLYN, NY 11201-2908
(718) 250-2000
WWW.BROOKLYNDA.ORG

[INSERT NAME]
Assistant District Attorney

[INSERT DATE]

[INSERT D/C INFO]

Re: [INSERT CASE NAME]
Kings County Dkt./Ind. No. [#####]

In connection with the above-named case, the People voluntarily provide the following information regarding:

MOS NAME: MALCOLM HART

MOS TAX: 948044

in satisfaction (to the extent applicable) of their constitutional, statutory, and ethical obligations. In addition to any information provided below, disciplinary information regarding this officer may exist online at the following websites: <https://www1.nyc.gov/site/ccrb/policy/MOS-records.page>, <https://nypdonline.org/link/13>, and <https://www.50-a.org>. The People make no representation regarding the accuracy of any information contained on these websites. In addition, the People have provided all lawsuits known to the People through NYPD documents, the NYC Law Department's public website of civil suits filed against officers (<https://www1.nyc.gov/site/law/public-resources/nyc-administrative-code-7-114.page>), and orally relayed to the People by officers. Please note that additional cases may or may not exist on the following public websites: <https://pacer.uscourts.gov/>, <https://iapps.courts.state.ny.us/webcivil/FCASMain>; and <https://iapps.courts.state.ny.us/nyscef/Login>. The People reserve the right to object to the use or introduction of any or all disclosures provided below and any other potential impeachment information.

Disclosure # 1:

THE PEOPLE ARE AWARE OF THE FOLLOWING FEDERAL CIVIL RIGHTS ACTION(S) AND/OR STATE TORT CIVIL LAWSUIT(S) IN WHICH THE INDICATED OFFICER HAS BEEN NAMED AS AN INDIVIDUAL DEFENDANT. NOTE, THE DISPOSITION INFORMATION MAY NOT BE CURRENT:

1. RAHMEL GEORGE V. CITY OF NEW YORK. ET AL. 309230-2011, FILED IN BRONX COUNTY SUPREME COURT
2. VICTOR SUMTER V. CITY OF NEW YORK, ET AL, 12-CV-305451, FILED IN BRONX COUNTY SUPREME COURT
3. GEORGE MACK V. CITY OF NEW YORK, ET AL 025248/2014 FILED IN BRONX COUNTY SUPREME COURT
4. BORIS KYKOV V. CITY OF NEW YORK, 300520/2017 FILED IN BRONX SUPREME COURT ON 03/15/2017 AND SETTLED ON 09/24/2019.
5. DAQUAN CARRASCO V. CITY OF NEW YORK, FILED ON 020377/2013 IN BRONX SUPREME COURT, DISPOSITION STATUS UNKNOWN.

Disclosure # 2:

MOS HART WAS FOUND GUILTY AFTER DEPARTMENTAL TRIAL TO THE FOLLOWING CHARGES AND SPECIFICATIONS, DATED ON OR ABOUT FEBRUARY 9, 2016, WHILE ASSIGNED TO THE 42ND PRECINCT: ALLEGATION(S):

1. MOS HART, WHILE ON-DUTY, MADE AN ATTEMPT TO ENGAGE ON-DUTY SUPERVISOR LIEUTENANT IN A PHYSICAL ALTERCATION.
2. MOS HART, WHILE OFF-DUTY, FAILED TO NOTIFY THE 42ND PRECINCT DESK OFFICER HE WAS DISMISSED FROM BRONX CRIMINAL COURT AT APPROXIMATELY 0915 HOURS AND WAS NOT REQUIRED TO RETURN TO COURT UNTIL 1415 HOURS.

3. MOS HART, WHILE ON-DUTY, WAS DISMISSED FROM BRONX CRIMINAL COURT AT APPROXIMATELY 0915 HOURS AND FAILED TO IMMEDIATELY RETURN TO THE 42ND PRECINCT FOR APPROXIMATELY THREE (3) HOURS.
4. MOS HART, ASSIGNED TO THE 42ND PRECINCT, WHILE ON-DUTY FAILED TO ANSWER A LIEUTENANT, WHEN HE WAS ASKED ABOUT HIS WHEREABOUTS

CASE STATUS: CLOSED ON 07/13/2017

ACTION TAKEN: ONE (1) YEAR DISMISSAL PROBATION AND FORFEITURE OF THIRTY-TWO (32) SUSPENSION DAYS PREVIOUSLY SERVED AND THIRTEEN (13) VACATION DAYS. THIS IS A SHARED PENALTY WITH DISCLOSURE # 3 BELOW.

NOTE: AS A RESULT OF TESTIMONY MOS HART PROVIDED IN THE DISCIPLINARY TRIAL THAT WAS HELD REGARDING THIS INCIDENT, THE DEPARTMENT JUDGE FOUND AT LEAST A PORTION OF THAT TESTIMONY INCREDIBLE. THE JUDGE'S DECISION AND RELATED NYPD DOCUMENTS ARE ATTACHED BELOW

Disclosure # 3:

MOS HART ENTERED A PLEA OF GUILTY TO THE FOLLOWING DEPARTMENT CHARGES AND SPECIFICATIONS, WHILE ASSIGNED TO THE 42ND PRECINCT:

ALLEGATION(S):

1. MOS HART, ON OR ABOUT FEBRUARY 16, 2015 AND FEBRUARY 28, 2015, REPORTED LATE FOR DUTY A TOTAL OF FOUR (4) TIMES AND FOR A TOTAL OF ONE HOUR AND TEN MINUTES.
2. MOS HART, ON FEBRUARY 23, 2015, WHILE OFF-DUTY, OPERATED HIS PERSONAL VEHICLE IN A RECKLESS MANNER IN THAT HE DROVE THE VEHICLE AT A HIGH RATE OF SPEED, THROUGH SEVERAL STEADY RED LIGHTS AND STOP SIGNS WITHOUT STOPPING.
3. MOS HART, ON FEBRUARY 23, 2015, WHILE OFF-DUTY, OPERATED HIS PERSONAL VEHICLE IN A RECKLESS MANNER AND FAILED TO OBEY A LIEUTENANT OF THE PARKCHESTER DEPARTMENT OF PUBLIC SAFETY WHEN ON SEVERAL OCCASIONS, A LIEUTENANT ORDERED HIM TO STOP AND PULL OVER.
4. MOS HART, ON FEBRUARY 23, 2015, WHILE OFF-DUTY, OPERATED HIS PERSONAL VEHICLE IN A RECKLESS MANNER IN THAT HE DROVE THROUGH A STEADY RED LIGHT.
5. MOS HART, ON JULY 13, 2015, FAILED TO NOTIFY THE DEPARTMENT HE WAS RUNNING LATE FOR DUTY AND AS A RESULT HIS COMMAND WAS UNAWARE OF HIS WHEREABOUTS UNTIL APPROXIMATELY ONE HOUR AFTER THE START OF HIS TOUR.
6. MOS HART, ON JULY 13, 2015, OPERATED A MOTORCYCLE AND DID NOT HAVE A VALID NEW YORK STATE CLASS M LICENSE.

ACTION TAKEN: ONE (1) YEAR DISMISSAL PROBATION AND FORFEITURE OF THIRTY-TWO (32) SUSPENSION DAYS PREVIOUSLY SERVED AND THIRTEEN (13) VACATION DAYS. THIS IS A SHARED PENALTY WITH DISCLOSURE # 2 ABOVE.

NOTE: AS A RESULT OF TESTIMONY MOS HART PROVIDED IN THE DISCIPLINARY TRIAL THAT WAS HELD REGARDING THIS INCIDENT, THE DEPARTMENT JUDGE FOUND AT LEAST A PORTION OF THAT TESTIMONY INCREDIBLE. THE JUDGE'S DECISION AND RELATED NYPD DOCUMENTS ARE ATTACHED BELOW

Disclosure # 4:

MOS HART WAS ADJUDICATED GUILTY OF THE FOLLOWING DEPARTMENT CHARGES AND SPECIFICATIONS ARISING OUT OF AN INCIDENT ON OR ABOUT AND BETWEEN SEPTEMBER 14, 2016 AND SEPTEMBER 15, 2016, WHILE ASSIGNED TO THE MANHATTAN COURT SECTION AND OFF DUTY:

ALLEGATION(S):

1. MOS HART, WHILE IN THE CONFINES OF NEW YORK COUNTY, OPERATED HIS VEHICLE ON THE HENRY HUDSON PARKWAY, A 50 MPH ZONE, AT A RATE OF SPEED IN EXCESS OF 80 MPH AND SWITCHED LANES IN AN ERRATIC MANNER.
2. MOS HART WAS DISCOURTEOUS TO A NEW YORK CITY POLICE OFFICER, ASSIGNED TO HIGHWAY 1, IN THAT SAID MOS REFERRED TO POLICE OFFICER AS A "DICKHEAD".
3. MOS HART, WHILE THE SUBJECT OF A VEHICLE STOP, DID FAIL AND NEGLECT TO REMOVE HIS DEPARTMENT IDENTIFICATION CARD FROM HIS WALLET AND PROVIDE IT TO ON-DUTY NEW YORK CITY POLICE OFFICER, ASSIGNED TO HIGHWAY 1.

ACTION TAKEN: ONE (1) YEAR DISMISSAL PROBATION. SUSPENSION OF THIRTY (30) DAYS AND THIRTY (30) VACATION DAYS.

Disclosure #5: (PENDING)

THE FOLLOWING ALLEGATIONS, DATED 04/28/2021, ARE PENDING AGAINST MOS HART:

1. FAILURE TO PREPARE COMPLAINT REPORT

CASE STATUS: PENDING

BASED UPON CCRB RECORDS UP TO DATE THROUGH JULY 14, 2021, THE PEOPLE ARE AWARE OF THE FOLLOWING CCRB SUBSTANTIATED AND/OR PENDING ALLEGATIONS AND/OR REFERENCES BY CCRB TO OTHER MISCONDUCT NOTED (OMN), THE TERM OTHER MISCONDUCT NOTED TYPICALLY REFERRING TO CCRB'S IDENTIFICATION OF POTENTIAL MISCONDUCT BY AN OFFICER WHERE THE NATURE OF THE MISCONDUCT WAS NOT WITHIN CCRB'S JURISDICTIONAL PURVIEW:

Disclosure # 6: (PENDING)

CCRB CASE: 202100274

REPORT DATE: 01/12/2021

INCIDENT DATE: 10/21/2020

PENDING CCRB ALLEGATION(S):

1. ABUSE - THREAT OF ARREST
2. ABUSE - THREAT OF ARREST

Eric Gonzalez
District Attorney
Kings County